

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 10-18 are pending in this application. Claims 1-9 are canceled and new claims 10-18 are added by the present response. Claims 1-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,665,518 to Courtney et al. (herein "Courtney") in view of U.S. patent 6,366,761 to Montpetit.

Initially, applicant and applicants' representative wish to thank Examiner Dean for the interview granted applicants' representative on January 25, 2006. During the interview the outstanding rejections were discussed in detail. Further, during the interview new claims were discussed, and applicants' representative presented comments as to how the new claims are believed to clearly distinguish over the applied art. The Examiner indicated such new claims in view of the presented arguments appeared to overcome the current rejections, but that an update search would be conducted upon filing a formal response with the new claims.

Addressing the above-noted rejection based on Courtney in view of Montpetit, that rejection is traversed by the present response.

With reference to Figure 1 in the present specification as a non-limiting example, a method and system for allocating satellite channels as claimed will be briefly described.

In the system of Figure 1 data is transmitted between a central hub station 1 and a plurality of remote stations 2. A plurality of first forward satellite channels 4 are provided for transmitting data from the remote stations 2, see e.g. forward channel 4a in Figure 2 of the present specification. Those first forward satellite channels 4a are previously fixed.

The applicants of the present invention recognized that there may be situations in which those previously fixed first forward satellite channels 4a do not provide enough bandwidth to transmit all the desired information from a remote station 2 to the central station

1.¹ When a large amount of data is to be sent from one of the remote stations to the hub 1, a second forward satellite channel 4b can be allocated to that remote station. Further, that second forward satellite channel has a larger capacity than that of the first forward satellite channel 4a, which results because the second forward satellite channel 4b can be used when sending an amount of data that exceeds the capacity of the first channel 4a.

With such an operation, if a large amount of data is to be sent the remote station can utilize another forward channel 4b for that data transmission, but during normal operations the remote station would utilize the normal forward satellite channel 4a. The features noted above are clarified in the claims and are believed to clearly distinguish over the applied art.

First, the outstanding Office Action cites Courtney to disclose bi-directionally transmitting data between a central station and the plurality of remote stations, but the outstanding Office Action recognizes that Courtney does not disclose a second forward satellite channel that has a larger capacity than that of a first forward satellite channel.

To overcome the recognized deficiencies in Courtney the outstanding Office Action cites the teachings in Montpetit, and particularly at column 9, lines 1-47, column 10, lines 1-17, and column 13, lines 43-58.² In reply, applicants respectfully submit the combination of teachings of Courtney in view of Montpetit does not fully correspond to the claimed features.

First, applicants note Montpetit operates such that bandwidth is allocated for a satellite's uplink in response to a bandwidth allocation.³ That allocation of bandwidth would correspond to the first forward satellite channel in Courtney. That is, the noted allocation of bandwidth in Montpetit is a normal data transmission from a remote station to a central station, and thus corresponds to the noted first forward satellite channel in Courtney.

¹ See for example the present specification at page 4, lines 3-9 and page 11 line 24 et seq.

² Office Action of January 4, 2006, see the paragraphs bridging pages 3 and 4.

³ Courtney at col. 9, lines 1-47.

Montpetit discloses the additional use of a “contention channel” that can be used for transmitting “a data packet exclusively for carrying the bandwidth allocation request”.⁴ In that respect that “contention channel” in Montpetit will actually have a smaller capacity than the normal bandwidth allocation channel as it is only used for carrying out bandwidth allocation requests. That also appears to be recognized in the Office Action, which states that “[t]hese [contention] channels are not used for heavy data traffic because of their *lower capacity* than an uplink channel used for a rate-based and volume-based transmissions”.⁵

Thus, combining the teachings of Montpetit to those in Courtney would at most add a low capacity “contention channel” to the system of Courtney, which “contention channel” could be used to provide a bandwidth allocation request.

The claims recite a different operation.

First, in the claims the second channel has a *larger capacity* than the first forward satellite channels. That is directly opposite to what would result from combining the teachings of Montpetit and Courtney. As noted above, if the teachings of Montpetit and Courtney were combined that would at most result in a lower capacity second “contention channel” being utilized.

In contrast, in the claims the second forward satellite channel has a larger capacity than that of the first forward satellite channels. Again with reference to Figure 2 in the present specification as a non-limiting example, the second forward satellite channel 4b has a larger capacity than that of the first forward satellite channel 4a. That results because in the claimed invention that second forward satellite channel 4b can be utilized for transmitting data that would exceed the capacity of the first forward satellite channel 4a. That is a completely different approach and operation than in both Courtney and Montpetit.

⁴ Montpetit at col. 10, lines 12-14.

⁵ Office of January 4, 2006, page 2, last sentence (emphasis added).

During the interview of January 25, 2006 the Examiner raised the question as to whether Montpetit could be properly utilized as a primary reference in a rejection. In that instance Montpetit would be cited such that the “contention channel” corresponded to the claimed “first forward satellite channels” and the allocated bandwidth would correspond to the claimed “second forward satellite channel” as that allocated bandwidth in Montpetit would have a larger capacity than the “contention channel”. To address that issue raised during the interview, applicants note it is not believed possible to utilize Montpetit in that manner as the teachings in Montpetit are actually contrary to the claimed features.

As noted above the claims indicate utilizing a plurality of first forward satellite channels that are previously set and allow for a bi-directional communication.

Clearly the “contention channel” in Montpetit is not provided for bi-directional communication between a remote station and a host. The “contention channel” in Montpetit appears to be only utilized for a one-way communication from the remote station requesting allocation of bandwidth to a host.

Moreover, the “contention channel” in Montpetit appears to be a single channel and not a “plurality of first forward satellite channels”.

Applicants also note that Montpetit appears to take a completely different approach as in the claimed invention with respect to communication.

Montpetit operates so that a remote station can make a request for a certain amount of allocation of bandwidth, and the bandwidth would then be allocated. In Montpetit that request is made on the “contention channel”.

In contrast to Montpetit, in the claimed invention a remote station is able to communicate along the first forward satellite channels, and can access the second forward satellite channel typically when excess capacity is needed. Thus, in the claimed invention there is no request for an allocation of bandwidth on the first forward satellite channel as

those first forward satellite channels are previously set. Thus, the claimed invention actually takes a different approach to allocating channels as the system in Montpetit, which instead of using fixed first channels has channels that are variable in their capacity for data transmission.

In such ways, applicants respectfully submit Montpetit in fact teaches away from the claimed invention and could not form the basis of any rejection under 35 U.S.C. § 103 as a primary reference.

Thereby, the claims are believed to clearly distinguish over the combination of teachings of Courtney in view of Montpetit.

Applicants also draw attention to many of the dependent claims, which are believed to have not have been properly considered and are believed to even further distinguish over the applied art.

For example claim 3 indicates that when a request to send data *larger* than a predetermined capacity is generated, the second forward satellite channel can be utilized. As noted above, the second forward satellite channel 4b can be utilized when data larger than a certain capacity needs to be transmitted, which is again directly opposite to what would result from combing the teachings of Courtney and Montpetit.

In view of these foregoing comments, applicants respectfully submit the claims as currently written are believed to clearly distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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